

By: Hughes

S.B. No. 2373

A BILL TO BE ENTITLED

AN ACT

relating to a cause of action for political or religious censorship of speech by a social media website.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 73A to read as follows:

CHAPTER 73A. CENSORSHIP OF ONLINE SPEECH

Sec. 73A.01. DEFINITIONS. In this chapter:

(1) "Algorithm" means a set of instructions designed to perform a specific task.

(2) "Hate speech" means a phrase concerning content that a person finds offensive based on his or her personal moral code.

(3) "Obscene" means content that to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest, and lacks serious literary, artistic, political or scientific value.

(4) "Political speech" means speech relating to the state, government, body politic, public administration, or government policymaking, including speech by the government or candidates for office, and any speech relating to social issues. The term does not include speech concerning the administration of or the law relating to the civil aspects of government.

1 (5) "Social media website" means a website or
2 application that enables users to communicate with each other by
3 posting information, comments, messages, or images and that:

4 (i) is open to the public;

5 (ii) has more than seventy-five million
6 users; and

7 (iii) has not been specifically affiliated
8 with any one religion or political party from its inception.

9 Sec. 73A.02. CAUSE OF ACTION. A social media website user
10 may bring a cause of action against the owner or operator of a
11 social media website with users in this state if the social media
12 website purposely:

13 (1) censors a social media website user's religious or
14 political speech; or

15 (2) uses an algorithm to suppress religious or
16 political speech.

17 Sec. 73A.03. DEFENSE. (a) It is a defense to a cause of
18 action brought under this section that the censored speech calls
19 for immediate acts of violence, is obscene or pornographic in
20 nature, was censored as a result of operational error, was censored
21 as a result of a court order, came from a inauthentic source or
22 involved false impersonation, incited criminal conduct, or
23 involved minors bullying minors.

24 (b) It is not a defense to a cause of action brought under
25 this section that the social media website user's speech was hate
26 speech.

27 Sec. 73A.04. DAMAGES. (a) A social media website user may be

1 awarded damages not to exceed \$75,000 for each purposeful censoring
2 or suppression of the social media user's speech.

3 (b) A social media website user may recover reasonable
4 attorney's fees and costs incurred in bringing the action.

5 SECTION 2. This Act applies only to a claim that arises on
6 or after the effective date of this Act. A claim that arises before
7 the effective date of this Act is governed by the law in effect at
8 that time, and that law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2019.